

03500.015492

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Examiner: Q.N. Nguyen  
KAZUHIRO SUGAWARA ET AL. : Art Unit: 2141  
Application No.: 09/888,547 : Conf. No.: 9436  
Filed: June 26, 2001 :  
For: IMAGE COMMUNICATION :  
APPARATUS, IMAGE :  
COMMUNICATION METHOD, :  
AND MEMORY MEDIUM : May 4, 2009

BRIEF ON APPEAL  
AND PETITION FOR EXTENSION OF TIME

Sir:

This is an appeal from the final rejection of Claims 44-49, 62, 63, 68, and 69 set forth in the Office Action dated November 4, 2008. A Notice of Appeal was electronically filed February 4, 2009.

This Brief on Appeal is being filed along with a payment of \$540.00, the amount required under 37 C.F.R. §41.20(b)(2). Appellants also petition to extend the time for filing the Brief to May 4, 2009. A payment in the amount of \$130.00 to cover the extension fee is submitted herewith. Please charge any additional fee and credit any overpayment to our Deposit Account No. 06-1205.

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## I. Real Party in Interest

The real party in interest is Canon Kabushiki Kaisha.

II. Related Appeals and Interferences

There are no related appeals or interferences.

### III. Status of Claims

Claims 44-49, 62, 63, 68, and 69 stand finally rejected and are under appeal.

Claims 1-43, 50-61, 64-67, and 70-73 have been cancelled. Appellants are appealing the rejection of Claims 44-49, 62, 63, 68, and 69. The full text of the appealed claims appears in Section VIII.

#### IV. Status of Amendments

In response to the non-Final Office Action of July 2, 2008, Appellants filed an Amendment on October 2, 2008. In that Amendment, Claims 44, 49, 62, 63, 68, and 69 were amended. A Final Office Action issued on November 4, 2008, rejecting Claims 44-49, 62, 63, 68, and 69. The claims were not amended after the issuance of the November 4, 2008 Final Rejection.

## V. Summary of Claimed Subject Matter

Claim 44 relates to an image communicating apparatus which is connected to a network capable of performing E-mail communication. (Fig. 1; page 7, lines 19-26; page 8, lines 15-16). The image communicating apparatus includes a transmitting unit, a receiving unit, a requesting unit, a communication managing unit, a determining unit, an analyzing unit, a judgment unit, and a notifying unit. The transmitting unit is adapted to send E-mail data accompanied by an image file and the receiving unit is adapted to receive E-mail data. (Fig. 3; page 12, line 17 to page 14, line 17)(Fig. 4; page 15, line 7 to page 16, line 23). The requesting unit is adapted to add, selectively, information for requesting a message disposition notification to the E-mail data to be sent to a receiver by the transmitting unit. (Fig. 3; page 13, lines 10-18). The communication managing unit is adapted to manage transmission management information of the sent E-mail data. (Fig. 1; Fig. 2; Fig. 3; Fig. 4; page 7, line 27 to page 8, line 4; page 12, line 20 to page 13, line 9; page 14, lines 12-17; page 16, lines 20-23). The determining unit is adapted to determine whether E-mail data received by the receiving unit is the message disposition notification to the E-mail data that the transmitting unit has sent. (Fig. 4, S4-4; page 15, lines 20-23). The analyzing unit is adapted to analyze how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where the determining unit determined that the E-mail received by the receiving unit is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the receiver. (Fig. 4, S4-5; Fig. 5; page 15, line 24 to page 16, line 2; page 17, line 3 to page 19, line 24). The judgement unit is adapted to judge whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition

notification was added was successful, based on an analysis result by the analyzing unit. The judgment unit classifies three or more processed results capable of being represented by the message disposition notification into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful. (page 18, lines 12-25). The notifying unit is adapted to notify a user of the image communicating apparatus based on the transmission management information managed by the communication managing unit. (Fig. 6; page 19, line 25 to page 21, line 1). The communication managing unit updates the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judged result provided by the judgment unit. (page 17, line 25 to page 18, line 25). The notifying unit notifies the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of the sent E-mail data succeeded, without reading the message disposition notification. (Fig. 6; page 19, line 25 to page 21, line 9).

Among other features of Claim 44 are the judgment unit and the analyzing unit. By virtue of the judgment unit, three or more processed results that can be represented by the message disposition notification are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful. By virtue of the analyzing unit, an analysis can be performed about how the sent E-mail data is processed by the receiver in a case where the determining unit determined that the E-mail received by the receiving unit is the message disposition notification. The analysis is performed by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the receiver.

In another embodiment of the invention set forth in appealed Claim 49 an apparatus is provided which is connected to a network capable of performing E-mail communication. (Fig. 1; page 7, lines 19-26; page 8, lines 15-16). The apparatus includes a transmitting unit, a receiving unit, a requesting unit, a determining unit, an analyzing unit, a judgment unit, and a notifying unit. The transmitting unit is adapted to send E-mail data accompanied by an image file. (Fig. 3; page 12, line 17 to page 14, line 17). The receiving unit is adapted to receive E-mail data. (Fig. 4; page 15, line 7 to page 16, line 23). The requesting unit is adapted to add, selectively, information for requesting a message disposition notification to the E-mail data to be sent to a receiver by the transmitting unit. (Fig. 3; page 13, lines 10-18). The determining unit is adapted to determine whether E-mail data received by the receiving unit is the message disposition notification to the E-mail data that the transmitting unit has sent. (Fig. 4, S4-4; page 15, lines 20-23). The analyzing unit is adapted to analyze how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where the determining unit determined that the E-mail received by the receiving unit is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the receiver. (Fig. 4, S4-5; Fig. 5; page 15, line 24 to page 16, line 2; page 17, line 3 to page 19, line 24). The judgment unit is adapted to judge whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result by the analyzing unit. The judgment unit classifies three or more processed results that the message disposition notification is capable of representing into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful. (page 18, lines 12-25). The notifying unit is adapted to be able to notify whether or not the transmission of the sent E-

mail data succeeded based on a judged result by the judgment unit, without reading the message disposition notification by a user of the image communicating apparatus. (Fig. 6; page 19, line 25 to page 21, line 9).

In another embodiment of the invention set forth in appealed Claim 62 an image communicating method is used an image communicating apparatus which is connected to a network capable of performing E-mail communication. (Fig. 1; page 7, lines 19-26; page 8, lines 15-16). The method includes a transmitting step, a receiving step, a requesting step, a communication managing step, a determining step, an analyzing step, a judgment step, and a notifying step. The transmitting step includes sending E-mail data accompanied by an image file. (Fig. 3; page 12, line 17 to page 14, line 17). The receiving step includes receiving E-mail data. (Fig. 4; page 15, line 7 to page 16, line 23). The requesting step includes selectively adding information for requesting a message disposition notification to the E-mail data to be sent to a receiver in the transmitting step. (Fig. 3; page 13, lines 10-18). The communication managing step includes managing transmission management information of each of sent E-mail data. (Fig. 1; Fig. 2; Fig. 3; Fig. 4; page 7, line 27 to page 8, line 4; page 12, line 20 to page 13, line 9; page 14, lines 12-17; page 16, lines 20-23). The determining step includes determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the transmitting step. (Fig. 4, S4-4; page 15, lines 20-23). The analyzing step includes analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver. (Fig. 4, S4-5; Fig. 5; page 15, line 24 to page 16, line 2; page 17, line 3 to page 19, line 24). The judgment

step includes judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step. In the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful. (page 18, lines 12-25). The notifying step includes notifying a user of the image communicating apparatus based on the transmission management information managed in the communication managing step. (Fig. 6; page 19, line 25 to page 21, line 1). The communication managing step also includes updating the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judged result in the judgment step. (page 17, line 25 to page 18, line 25). The notifying step also includes notifying the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of the sent E-mail data succeeded, without reading the message disposition notification. (Fig. 6; page 19, line 25 to page 21, line 9).

In another embodiment of the invention set forth in appealed Claim 63 an image communicating method is used in an image communicating apparatus which is connected to a network capable of performing E-mail communication. (Fig. 1; page 7, lines 19-26; page 8, lines 15-16). The method includes a transmitting step, a receiving step, a requesting step, a determining step, an analyzing step, a judgment step, and a notifying step. The transmitting step includes sending E-mail data accompanied by an image file. (Fig. 3; page 12, line 17 to page 14, line 17). The receiving step includes receiving E-mail data. (Fig. 4; page 15, line 7 to page 16, line 23). The requesting step includes selectively adding information for requesting a message disposition notification to the E-mail data to

be sent to a receiver in the transmitting step. (Fig. 3; page 13, lines 10-18). The determining step includes determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the transmitting step. (Fig. 4, S4-4; page 15, lines 20-23). The analyzing step includes analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver. (Fig. 4, S4-5; Fig. 5; page 15, line 24 to page 16, line 2; page 17, line 3 to page 19, line 24). The judgment step includes judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step. In the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful. (page 18, lines 12-25). The notifying step includes being able to notify whether or not the transmission of the sent E-mail data succeeded based on a judged result in the judgment step, without reading the message disposition notification by a user of the image communicating apparatus. (Fig. 6; page 19, line 25 to page 21, line 9).

In another embodiment of the invention set forth in appealed Claim 68 a computer-readable storage medium is provided which stores therein a computer program to cause a computer to execute an image communicating method used in an image communicating apparatus which is connected to a network capable of performing E-mail communication. (Fig. 1; page 7, lines 19-26; page 8, lines 15-16). The method includes a transmitting step, a receiving step, a requesting step, a communication managing step, a

determining step, an analyzing step, a judgment step, and a notifying step. The transmitting step includes sending E-mail data accompanied by an image file. (Fig. 3; page 12, line 17 to page 14, line 17). The receiving step includes receiving E-mail data. (Fig. 4; page 15, line 7 to page 16, line 23). The requesting step includes selectively adding information for requesting a message disposition notification to the E-mail data to be sent to a receiver in the transmitting step. (Fig. 3; page 13, lines 10-18). The communication managing step includes managing transmission management information of each of sent E-mail data. (Fig. 1; Fig. 2; Fig. 3; Fig. 4; page 7, line 27 to page 8, line 4; page 12, line 20 to page 13, line 9; page 14, lines 12-17; page 16, lines 20-23). The determining step includes determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the transmitting step. (Fig. 4, S4-4; page 15, lines 20-23). The analyzing step includes analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver. (Fig. 4, S4-5; Fig. 5; page 15, line 24 to page 16, line 2; page 17, line 3 to page 19, line 24). The judgment step includes judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step. In the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful. (page 18, lines 12-25). The notifying step includes notifying a user of the image communicating apparatus based on the transmission management information

managed in the communication managing step. (Fig. 6; page 19, line 25 to page 21, line 1). The communication managing step includes updating the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judged result in the judgment step. (page 17, line 25 to page 18, line 25). The notifying step includes notifying the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of the sent E-mail data succeeded, without reading the message disposition notification. (Fig. 6; page 19, line 25 to page 21, line 9).

In another embodiment of the invention set forth in appealed Claim 69 a computer-readable storage medium is provided which stores therein a computer program to cause a computer to execute an image communicating method used in an image communicating apparatus which is connected to a network capable of performing E-mail communication. (Fig. 1; page 7, lines 19-26; page 8, lines 15-16). The method includes a transmitting step, a receiving step, a requesting step, a determining step, an analyzing step, a judgment step, and a notifying step. The transmitting step includes sending E-mail data accompanied by an image file. (Fig. 3; page 12, line 17 to page 14, line 17). The receiving step includes receiving E-mail data. (Fig. 4; page 15, line 7 to page 16, line 23). The requesting step includes selectively adding information for requesting a message disposition notification to the E-mail data to be sent to a receiver in the transmitting step. (Fig. 3; page 13, lines 10-18). The determining step includes determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the transmitting step. (Fig. 4, S4-4; page 15, lines 20-23). The analyzing step includes analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is

determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver. (Fig. 4, S4-5; Fig. 5; page 15, line 24 to page 16, line 2; page 17, line 3 to page 19, line 24). The judgment step includes judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step. In the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful. (page 18, lines 12-25). The notifying step includes being able to notify whether or not the transmission of the sent E-mail data succeeded based on a judged result in the judgment step, without reading the message disposition notification by a user of the image communicating apparatus. (Fig. 6; page 19, line 25 to page 21, line 9).

VI. Grounds of Rejection To Be Reviewed On Appeal

Whether Claims 44, 49, 62, 63, 68, and 69 are obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,687,742 (Iwazaki) in view of U.S. Patent No. 6,823,367 (Wakasugi).

Whether Claims 45-48 are obvious under 35 U.S.C. § 103(a) over Iwazaki, Wakasugi, and further in view of U.S. Patent 6,327,046 ((Miyamoto et al.), hereinafter “Miyamoto”).

## VII. Argument

### Rejection under 35 U.S.C. § 103(a) over Iwazaki and Wakasugi

#### Claims 44, 49, 62, 63, 68, and 69

Consistent with case law, MPEP § 2141 provides guidelines for determining obviousness under 35 U.S.C. § 103 in view of the recent Supreme Court decision, KSR International Co. v. Teleflex Inc., 550 U.S. 82 USPQ 2d 1385 (2007). MPEP §§ 2142 and 2143 provide guidelines for establishing a *prima facie* case of obviousness and examples of basic requirements of a *prima facie* case of obviousness. Among the exemplary rationales that may support a conclusion of obviousness are combining prior art elements according to known methods to yield predictable results, simple substitution of one known element for another to obtain predictable results, use of a known technique to improve similar devices in the same way, applying a known technique to a known device ready for improvement to yield predictable results, and the commonly-used teaching, suggestion, or motivation (TSM) test.

For the reasons given below the Office Action has failed to establish a *prima facie* case of obviousness against the subject claims. Accordingly, the § 103(a) rejection of those claims is deficient and should be reversed.

Iwazaki does not teach or suggest the analyzing unit and the judgment unit recited in Claim 44. More specifically, Iwazaki does not teach or suggest any feature corresponding to the analyzing unit as recited in independent Claim 44 to analyze how a sent E-mail is processed by a receiver, by analyzing plural kinds of processing results capable of being represented by the MDN. That is, contrary to the argument set forth in the Response to Arguments at pages 9 and 10 of the Office Action, Iwazaki discloses, merely, that the processing result described in the MDN is recorded in the transmission history information, and thus, the processing result described in the MDN is never analyzed.

In addition, Iwazaki does not teach or suggest the judgment unit recited in Claim 44 to judge whether or not a result of the transmission of the sent E-mail data was successful, based on an analysis result by the analyzing unit, where the judgment unit classifies three or more processed results described in the MDN into two groups, and judges whether or not the sending result of the E-mail is successful according to which of the two groups the received MDN is included.

Iwazaki essentially aims to obtain the capability information of the receiver, and, toward this end, utilizes the MDN sent from the receiver. Even if it is assumed, arguendo, that Iwazaki is taken to disclose that the processing result of the receiver is recorded in the transmission history information, such recording is merely to record the described contents of the MDN. Iwazaki does not teach or suggest any concept of judging whether or not a transmission result of the sent E-mail was successful.

Further, the Office Action points to Fig. 6; Fig. 11; col. 10, lines 17-26; and col. 12, lines 12-23 and lines 57-67, of Iwazaki, as allegedly teaching or suggesting the judgement unit and the analyzing unit claimed in Claim 44.

However, each of Figs. 6 and 11 of Iwazaki shows merely an example of an MDN message. Since the portion of Iwazaki at column 10, lines 20-22 states “The sender records the processing result in the received MDN message in the transmission record information”, the processing result described in the MDN is apparently extracted and recorded in the transmission record information. Moreover, since the portions of Iwazaki at column 12, lines 12-23 and lines 57-67 apparently describe the generation of the MDN message in the receiver, they are not related to a constitution directed to an MDN sent with an e-mail from a transmitting unit to a receiving unit. Accordingly, it is believed that the portions of Iwazaki indicated by the Office Action (and anywhere else in Iwazaki) do not teach or suggest the analyzing unit and the judgment unit as claimed in Claim 44.

The Office Action asserts that:

it would have been obvious to one having ordinary skill in the Data Processing Art at the time the invention was made to incorporate the feature of notifying the user of said image communicating apparatus so that the user can confirm whether or not the transmission of the sent email data succeeded, without reading the message disposition information, as disclosed by Wakasugi, into the teaching of Iwazaki, since both references are directed to electronic message processing systems, hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so to allow the communications system to inform the sending user the status of the delivery of the message.

*See page 6 of Office Action.*

Wakasugi, as understood by Appellants, relates to a network facsimile apparatus that transmits electronic mail through a network by a mail system thereon. However, Wakasugi also does not teach or suggest the judgement unit and the analyzing unit recited in Claim 44, as discussed below.

Wakasugi discusses that an MDN is received. For example, the MDN described as “Disposition manual-action/MDN-send-Manually; displayed” is disclosed in Fig. 5 of Wakasugi. However, Wakasugi only mentions one processed result as an example. Accordingly, Wakasugi does not teach or suggest that three or more processed results capable of being represented by the message disposition notification are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful, as is claimed in Claim 44.

Moreover, regarding the analyzing unit of Claim 44, in Wakasugi (column 9, lines 50-60), if there is a “YES” result in step S104 in Fig. 3 (that is, a received E-mail indicates Delivery Notification), the process advances to step S401 in Fig. 10 to change the result field of the communication management information from “--” to “OK”. That is, the apparatus in Wakasugi sets the content of the Delivery Notification to “OK” without performing any checking and analyzing of an MDN for the Delivery Notification.

The Response to Arguments section, at page 11 of the Office Action, states

the status of the message disposition notification “Disposition manual-action/MDN-send-Manually; displayed” is obviously to be checked/analyzed to indicate that the sent email data was properly received and displayed, and the network facsimile device NFA changes “--” to “OK” in the result field of the communication management information recorded in the communication management table 4a (Wakasugi, Fig. 5 and col. 9, lines 45-60).

Also, in the networking art, there are a finite number of identified, predictable solutions (such as the processed results of “displayed”, “dispatched”, “processed”, “deleted”, “denied” and “failed”) available to a person of ordinary skill, as set forth in the RFC 2298. Furthermore, the message disposition notification MDN is notoriously well known in the art, as evidenced by Iwazaki, Wakasugi and RFC 2298, thus, Examiner respectfully submits that it would have been obvious to one of ordinary skill in the art to combine the teachings of Iwazaki, Wakasugi and RFC 2298 to teach or suggest “the analyzing unit or the judgment unit of claim 44,” as recited in pages 19 of the Remarks.

Column 9, lines 45-60 of Wakasugi states:

The NFA detects the delivery confirmation mail sent from the NFB at the step S104 in FIG. 3, and executes the reception process of the delivery confirmation mail at the step S105.

A description will now be given of a first embodiment of the reception process of the delivery confirmation mail at the step S105 in FIG. 3 with reference to FIG. 10, corresponding to the first embodiment of the mail transmitting process shown in FIG. 7.

At a step S401 shown in FIG. 10, the network facsimile device NFA changes “--” to “OK” in the “result” field of the communication management information recorded in the communication management table 4a at the step S307 shown in FIG. 7, indicating that the mail has been delivered to the NFB correctly.

However, nothing in either this cited portion or anywhere else in Wakasugi teaches or suggests that any analysis takes place at all; indeed the result field is changed, at most, based on the presence of a received “delivery confirmation mail”, not on any analysis thereof. Accordingly, it is apparent that Wakasugi does not teach or suggest the analyzing unit, much less the judgment unit of Claim 44. Moreover, Appellants note that the

rejection of the subject claims was not based on RFC 2298. However, even if it is assumed, arguendo, that there are a finite number of identified, predictable solutions, such as “displayed”, “dispatched”, etc., as suggested in the Office Action, this merely teaches, in the context of the cited portion of Wakasugi, that instead of the NFA changing “–” to “OK” in the “result” field, another phrase can be used in place of “OK”, such as “displayed”. Such a change to the “result” field in Wakasugi would still be made without any analysis of the delivery confirmation mail.

Accordingly, because neither reference teaches nor suggests the above-discussed recitations of Claim 44, and the Office Action has failed to set forth any other reasoning attempting to establish why those recitations would have been obvious to one of ordinary skill in the art at the time of Appellants’ invention, Claim 44 is clearly patentable over those references, whether considered separately or in combination, and the rejection of that Claim is deficient and should be withdrawn.

Independent Claims 49, 62, 63, 68, and 69 each recite features similar in many relevant respects to those discussed above in connection with Claim 44, and those claims also are believed to be patentable over Iwazaki and Wakasugi, whether considered separately or in combination, for at least the reasons discussed above.

#### Rejection under 35 U.S.C. § 103(a) over Iwazaki, Wakasugi, and Miyamoto

##### Claims 45-48

A review of the other art of record, including Miyamoto, has failed to reveal anything which, in Appellants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

Claims 45-48 are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

## CONCLUSION

Appellants respectfully submit that the 35 U.S.C. §103(a) rejection of record is deficient for at least the foregoing reasons. Reversal of the rejection is respectfully requested.

It is respectfully submitted that the final rejection of the claims should be reversed for the reasons stated.

Respectfully submitted,



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## VIII. Claims Appendix

44. An image communicating apparatus which is connected to a network capable of performing E-mail communication, comprising:
  - a transmitting unit, adapted to send E-mail data accompanied by an image file;
  - a receiving unit, adapted to receive E-mail data;
  - a requesting unit, adapted to add, selectively, information for requesting a message disposition notification to the E-mail data to be sent to a receiver by the transmitting unit;
  - a communication managing unit, adapted to manage transmission management information of the sent E-mail data;
  - a determining unit, adapted to determine whether E-mail data received by the receiving unit is the message disposition notification to the E-mail data that the transmitting unit has sent;
  - an analyzing unit, adapted to analyze how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where the determining unit has determined that the E-mail received by the receiving unit is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the receiver;
  - a judgment unit, adapted to judge whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result by the analyzing unit, wherein the judgment unit classifies three or more processed results that the

message disposition notification is capable of representing into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful; and

a notifying unit, adapted to notify a user of the image communicating apparatus based on the transmission management information managed by the communication managing unit,

wherein the communication managing unit updates the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judged result provided by the judgment unit, and

wherein the notifying unit notifies the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of the sent E-mail data succeeded, without reading the message disposition notification.

45. An image communicating apparatus according to Claim 44, further comprising a selecting unit, adapted to select ON/OFF of execution of the requesting unit, wherein the communication managing unit manages ON/OFF of the request of the message disposition notification as transmission management information for each of the sent E-mail data.

46. An image communicating apparatus according to Claim 44, wherein the communication managing unit updates the transmission management information to first information, showing that the message disposition notification responsive to the sent E-mail data has been received.

47. An image communicating apparatus according to Claim 44, wherein the communication managing unit updates the transmission management information to second information, showing that the message disposition notification responsive to the sent E-mail data was not received within a predetermined period of time.

48. An image communicating apparatus according to Claim 44, wherein the notifying unit visually outputs the transmission management information which is managed by the communication managing unit.

49. An image communicating apparatus which is connected to a network capable of performing E-mail communication, comprising:

- a transmitting unit, adapted to send E-mail data accompanied by an image file;
- a receiving unit, adapted to receive E-mail data;
- a requesting unit, adapted to add, selectively, information for requesting a message disposition notification to the E-mail data to be sent to a receiver by the transmitting unit;
- a determining unit, adapted to determine whether E-mail data received by the receiving unit is the message disposition notification to the E-mail data that the transmitting unit has sent;
- an analyzing unit, adapted to analyze how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where the determining unit determined that the E-mail received by the receiving unit is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the

receiver;

a judgment unit, adapted to judge whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result by the analyzing unit, wherein the judgment unit classifies three or more processed results that the message disposition notification is capable of representing into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful; and

a notifying unit, adapted to be able to notify whether or not the transmission of the sent E-mail data succeeded based on a judged result by the judgment unit, without reading the message disposition notification by a user of the image communicating apparatus.

62. An image communicating method used in an image communicating apparatus which is connected to a network capable of performing E-mail communication, comprising:

a transmitting step, of sending E-mail data accompanied by an image file;

a receiving step of receiving E-mail data;

a requesting step, of selectively adding information for requesting a message disposition notification to the E-mail data to be sent to a receiver in the transmitting step;

a communication managing step, of managing transmission management information of each of sent E-mail data;

a determining step, of determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the

transmitting step;

an analyzing step, of analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver;

a judgment step, of judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step, wherein in the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful; and

a notifying step, of notifying a user of the image communicating apparatus based on the transmission management information managed in the communication managing step,

wherein the communication managing step includes updating the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judged result in the judgment step, and

wherein the notifying step includes notifying the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of

the sent E-mail data succeeded, without reading the message disposition notification.

63. An image communicating method used in an image communicating apparatus which is connected to a network capable of performing E-mail communication, comprising:

a transmitting step, of sending E-mail data accompanied by an image file;

a receiving step of receiving E-mail data;

a requesting step, of selectively adding information for requesting a message disposition notification to the E-mail data to be sent to a receiver in the transmitting step;

a determining step, of determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the transmitting step;

an analyzing step, of analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver;

a judgment step, of judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step, wherein in the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results

concerning whether or not the result of the transmission of the sent E-mail was successful; and

a notifying step, of being able to notify whether or not the transmission of the sent E-mail data succeeded based on a judged result in the judgment step, without reading the message disposition notification by a user of the image communicating apparatus.

68. A computer-readable storage medium which stores therein a computer program to cause a computer to execute an image communicating method used in an image communicating apparatus which is connected to a network capable of performing E-mail communication, said method comprising:

a transmitting step, of sending E-mail data accompanied by an image file;

a receiving step of receiving E-mail data;

a requesting step, of selectively adding information for requesting a message disposition notification to the E-mail data to be sent to a receiver in the transmitting step;

a communication managing step, of managing transmission management information of each of sent E-mail data;

a determining step, of determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the transmitting step;

an analyzing step, of analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the

message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver;

a judgment step, of judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step, wherein in the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful; and

a notifying step, of notifying a user of the image communicating apparatus based on the transmission management information managed in the communication managing step,

wherein the communication managing step includes updating the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judged result in the judgment step, and

wherein the notifying step includes notifying the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of the sent E-mail data succeeded, without reading the message disposition notification.

69. A computer-readable storage medium which stores therein a computer program to cause a computer to execute an image communicating method used in an image communicating apparatus which is connected to a network capable of performing

E-mail communication, the method comprising:

a transmitting step, of sending E-mail data accompanied by an image file;

a receiving step of receiving E-mail data;

a requesting step, of selectively adding information for requesting a message disposition notification to the E-mail data to be sent to a receiver in the transmitting step;

a determining step, of determining whether E-mail data received in the receiving step is the message disposition notification to the E-mail data that is sent in the transmitting step;

an analyzing step, of analyzing how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where it is determined in the determining step that the E-mail received in the receiving step is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received in the receiving step and representing plural kinds of processed results as processed results for the sent E-mail by the receiver;

a judgment step, of judging whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was successful, based on an analysis result in the analyzing step, wherein in the judgment step three or more processed results that the message disposition notification is capable of representing are classified into two kinds of judged results concerning whether or not the result of the transmission of the sent E-mail was successful; and

a notifying step, of being able to notify whether or not the transmission of the sent E-mail data succeeded based on a judged result in the judgment step, without

reading the message disposition notification by a user of the image communicating apparatus.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.